

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1564 OF 2015

Halima Rashid Shaikh

.. Petitioner

VERSUS

The State of Maharashtra & Ors.

.. Respondents

Mr. V.S. Bedre, Advocate for the petitioner

Mr. A.R. Kale, APP for the respondent/State

Mr. N.C. Garud, Advocate for the respondent nos.3,4, 8 to 11

Respondent nos.5,6 and 7 served – absent.

CORAM : V.K. JADHAV, J.

DATE : 10/10/2016

ORAL ORDER :

Heard.

2. The petitioner herein is the revision petitioner before the Sessions Court, Ahmednagar. The delay occurred in preferring the Revision Application before the Sessions Court. The learned Adhoc Additional Sessions Judge, Ahmednagar by order dated 02/04/2015 in Criminal Misc. Application No.6 of 2014 condoned the delay, subject to payment of costs of Rs.2000/- and further directed the present petitioner to deposit the said costs of Rs.2000/- in Court within 30 days from the date of the order and if the applicant fails to deposit

the amount of costs within thirty days, it is further directed that the application would stand dismissed automatically. The applicant could not deposit the said amount due to her ailment. In view of the order passed by the Adhoc Additional Sessions Judge, Ahmednagar, as referred above, the Application stood dismissed automatically.

3. The petitioner is the original complainant before the learned Magistrate and on the basis of the report submitted by the Police, the learned Magistrate has dismissed her complaint. Being aggrieved by the same, the applicant has preferred Criminal Revision Application before the learned Sessions Judge at Ahmednagar, which was delayed by 46 days. The learned Additional Sessions Judge has considered the explanation given for occurrence of the said delay and accordingly condoned the delay by imposing certain costs. The applicant was and is ready to deposit the said amount, however, the amount could not be deposited within the time frame, as directed by the learned Additional Sessions Judge owing to some personal problems of the applicant.

4. Let there be a decision on merits in the pending revision application before the Additional Sessions Judge. Since the learned Additional Sessions Judge has condoned the delay occurred in preferring the revision application, I do not find any hurdle as such to allow this Criminal Writ Petition.

5. Hence, the following order :-

ORDER

I] Criminal Writ Petition is hereby allowed in terms of prayer clause (B).

6. Criminal Writ Petition stands disposed of accordingly.

[V.K. JADHAV]
JUDGE

arp/